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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 07-70173-JCS
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXTENDING THE TIME LIMIT FOR THE
v.)	PRELIMINARY HEARING AND
)	EXCLUDING TIME
CHARKON CHANSAEM,)	
)	
Defendant.)	
_____)	

On March 23, 2007, based on a criminal complaint presented by Immigration and Customs Enforcement Special Agent Brian Kawabata, the Honorable Joseph C. Spero issued an arrest warrant for the Defendant. On March 26, 2007, the Court held an Initial Appearance and set the matter for further proceedings on March 29, 2007. On March 29, 2007, the parties stipulated, and the Court ordered that the Preliminary Hearing should be scheduled for April 20, 2007 and that time should be excluded from the Speedy Trial Act calculations from March 29, 2007 to April 20, 2007. On April 12, 2007, the Hon. Joseph C. Spero signed an order to that effect.

Counsel for the Government is continuing to produce discovery to the Defendant and the

1 parties continue to discuss pre-indictment resolution. Moreover, defense counsel does not
2 believe it is in his client's best interests for the Court to hold a Preliminary Hearing within 10
3 days of the Initial Appearance as required by Federal Rule of Criminal Procedure 5.1(c). Finally,
4 counsel for the Government will be out of the Office for Department of Justice training at the
5 National Advocacy Center in Columbia, S.C. beginning April 23, 2007 through May 6, 2007.
6 The parties represent that granting the continuance is necessary for effective preparation of
7 counsel and continuity of counsel, taking into account the exercise of due diligence. See 18
8 U.S.C. § 3161(h)(8)(B)(iv).

9 Accordingly, the parties have agreed as follows:

- 10 1. The Preliminary Hearing shall be removed from the April 20, 2007 calendar and be
11 continued until May 9, 2007.
- 12 2. The Defendant agrees to an exclusion of time under the Speedy Trial Act. Failure to
13 grant the requested continuance would unreasonably deny both Government and Defense
14 counsel reasonable time necessary for effective preparation, taking into account the
15 exercise of due diligence, the need for both sides to investigate the facts of the case, the
16 on-going attempts to reach a pre-indictment disposition, and the need for continuity of
17 counsel.
- 18 3. Given these circumstances, the parties agree and the Court should find that the ends of
19 justice are served by excluding the period from April 20, 2007 through May 9, 2007 from
20 the Speedy Trial Act calculation and outweigh the best interest of the public and the
21 Defendant in a speedy trial. Id. § 3161(h)(8)(A).

22 IT IS SO STIPULATED.

23 DATED: April 17, 2007

/s/

DENISE MARIE BARTON
Assistant United States Attorney

26 DATED: April 17, 2007

/s/

STEVEN J. KOENINGER
Attorney for CHARKON CHANSAEM

1 **IT IS SO ORDERED.**

2 Pursuant to the parties' Stipulation and for the reasons set forth above, the Preliminary
3 Hearing shall be removed from the April 20, 2007 calendar and continued until May 9, 2007 and
4 the time from April 20, 2007 to May 9, 2007 shall be excluded from the Speedy Trial Act
5 calculations.

6
7
8 DATED: _____

Honorable Edward M. Chen
United States Magistrate Judge